REMARKS

In the Final Office Action mailed July 23, 2008, claims 1-24 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks. No claims are canceled or amended.

(A) Claim Rejections under 35 U.S.C. §103(b)

Claims 1-3, 9-10, 12-17, 19-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable, i.e., over Levitt (US 4,879,749). Applicant respectfully traverses this rejection.

Independent claim 1

Independent claim 1 recites, inter alia, a buffer circuit in a microphone housing.

The action primarily relies upon Levitt. The action concedes that Levitt does not disclose a buffer circuit in a microphone housing (action, page 4, lines 6 and 7). Nonetheless, the action rejects independent claim 1, contending that Levitt discloses that elements of the buffer circuit are contained in the microphone housing (action, page 4, lines 8 and 9). Furthermore, the action contends that Levitt discloses the microphone housing (action, page 3, section 3, line 5). These contentions are respectfully traversed.

Levitt expressly teaches a programmable hearing aid, wherein the hearing aid contains a receiver 69, a microphone 57, and all the electronic circuits such as an automatic gain control (AGC) circuit 58, a hearing aid amplifier 60, a hearing aid filter 63, a hearing aid programmable filter 64, and an EEPROM 84 (FIG. 2, col. 4, ll.65-68 and col. 5, ll. 1-11). An output of the microphone 57 connects to the circuit 58 and an input of the receiver 69 connects to the filter 64. Levitt nowhere describes a microphone housing, although it is inherent that the microphone 57 would have a housing. This is important because it is clear that Levitt does not describe or suggest that parts of a circuit, any circuit whether an AGC, filter, amplifier, etc., are fitted within the housing of the microphone 57. To the contrary, the AGC 58 and the remaining circuitry described by Levitt connect to the output of the microphone 57. As such, these circuit elements cannot be said to be fitted within a housing

of the microphone 57. If the microphone 57 itself included an AGC, an amplifier, a filter, etc., there would be no purpose or reason to connect the microphone 57 to these elements.

Simply put, Levitt does not teach or suggest circuit elements disposed within a housing of the microphone 57. It would be necessary for Levitt to describe the circuit elements as being disposed within a housing of the microphone 57 for it to teach each and every limitation of the claims. Because Levitt cannot reasonably be interpreted to disclose that the circuits 58, 60, 84, 63, 64 are contained in the microphone, it cannot and does not anticipate or render unpatentable claim 1.

The office action also contends that the host controller is the buffer circuit and the host controller is in the microphone (Office Action, page 3, Section 3). Applicant respectfully traverses this contention.

An external computer-aid programming device ("host controller") 20 in Levitt is identified. As shown in Figs. 1 and 2 of Levitt, the host controller 20 is not contained in the hearing aid, the microphone 57 of any kind. In fact, the host controller 20 is a separate device and is use to provide electrical signals and test sound to the hearing aid. Therefore, the host controller 20 in Levitt cannot be said to be part of the buffer circuit and cannot be said to be contained in the microphone in claim 1 of the present invention. Absent a teaching this claimed element Levitt cannot anticipate claim 1 of the present invention, nor the claims depending therfrom.

Independent claim 1 further recites, inter alia, a buffer circuit comprises a filter network and a tuning circuit coupled to the filter network for adjusting a characteristic of the filter network (emphasis added).

Levitt teaches an arrangement to adjust the hearing aid circuit and not the microphone circuit (Background section). For example, in FIG. 2 of Levitt, terminals 122, 140, 142, 143 of the hearing aid circuit 58, 60, 84, 63, 64 connect to the external host controller 20 and receive signals produced by the host controller 20, and the circuit 58,60, 84, 63, 64 coefficients and parameters are adjusted accordingly to the data stored in the host controller 20. Levitt nowhere describes a host controller 20 is part of the buffer circuit. Thus, Levitt cannot be said to teach adjusting a characteristic of the microphone buffer circuit using a tuning circuit of claim 1. It would be necessary for Levitt to describe the host controller is in

the circuit to perform adjusting recitation. Absent a teaching this claimed element Levitt cannot anticipate claim 1 of the present invention, or the claims depending therefrom.

At least based on the differences set forth above Applicant respectfully submits that independent claim 1 and claims 2-14 depending therefrom are patentably distinguishable over Levitt.

Independent claim 20

Independent claim 20 recites, inter alia, placing a buffer circuit in a microphone housing and adjusting a response characteristic of the buffer circuit.

Applicant has already established above that, contrary to statements in the action, Levitt does not teach or suggest at least the aforementioned feature of independent claim 20.

For similar reasons to those outlined above with respect to independent 1, independent claim 20 and claims 21-24 depending therefrom are also in condition for allowance.

Independent claim 15

Independent claim 15 recites, among other things, a buffer circuit on a first portion of a substrate that comprises a controller for altering a value of a tuner and a second input. The second input of the controller is on a second portion of the substrate.

Levitt describes a separate computer-aid programming device ("host controller") 20 for providing signals to a hearing aid (FIG. 1). Sockets 121, 31, 144, 34 of the host controller 20 connect to terminals 122, 140, 142, 143 of the hearing aid so that signals are supplied to the hearing aid and adjust the coefficients and parameters of a circuit 58,60, 84, 63, 64 contained in the hearing aid. As shown in FIGs. 1 and 2, the host controller 20 and the circuit 58, 60, 74, 63, 64 of Levitt are formed separately. Therefore, Levitt cannot be said to teach or suggest a buffer circuit on a first portion of a substrate that comprises a controller for altering a value of a tuner and a second input, wherein the second input of the controller is on a second portion of the substrate. Absent such a teaching these claimed

elements Levitt cannot anticipate or render unpatentable claim 15 of the present invention, or the claims depending therefrom.

For at least the foregoing reasons, independent claim 15 is allowable, and claims 16-19 depending from claim 15 are also in condition for allowance.

(B) Claim Rejections under 35 U.S.C. §103(a)

Claims 4-8, 18, and 23 are rejected based on Levitt in combination with Killion (US 5,602,925). Claims 11 and 24 are rejected based on Levitt in combination with Advani (US 4,926,459). Claim 21 is rejected based on Levitt in combination with Madaffari (US 2002.0090102). Applicant respectfully traverses these ejections.

Applicant has already established above that, contrary to statements in the action, Levitt does not teach or suggest (1) a buffer circuit is contained in a microphone housing or (2) a controller is part of the buffer circuit. Applicant respectfully submits, therefore, that the asserted combination does not disclosed the aforementioned feature of independent claims 1, 15, 20 and the claims depending therefrom.

Killion is cited for teaching a tuning circuit 34 in a hearing aid, wherein the tuning circuit is a resistor network or a ladder network located outside a microphone 21 (FIG. 6). However, Killion does not establish that the tuning circuit 34 is contained in the microphone 21. Thus, no combination of Levitt and Killion can be said to teach the recited subject matter in independent claims 1 and 20 and claims 4-8 and 23. Thus, for these reasons, claims 4-8 and 23 are allowable.

Advani is cited for teaching a zener-zap diode 106 (FIG. 3). However, the action does not establish that Advani teaches coupling a first input of a selector to the zener-zap diode 106. Moreover, the action does not establish that Advani teaches the zener-zap diode 106 is contained in a microphone housing. Thus, no combination of Levitt and Advani can be said to teach the recited subject matter in independent claims 1, 20 and claims 11, 24. Thus, for at least these reasons, claims 11 and 24 are allowable.

Madaffari is cited for teaching a PCB 16 in an acoustically sealed microphone (FIG. 2). However, the office action does not establish that Madaffari teaches a buffer circuit. Thus, no combination of Levitt and Madaffari can be said to teach the recited subject matter in independent claim 20 and claim 21. Thus, for these reasons, claim 21 is allowable.

(C) Conclusion

A prompt indication of allowability of all claims 1-24 is solicited.

Should the examiner wish to discuss the foregoing, or any matter of form in effort to advance this application toward allowance; he is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

By /Anthony G Sitko, 36278/
Anthony G. Sitko
Registration No.: 36,278
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant